

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSCAR RAMIREZ, JAVIER GUERRERO,
GERONIMO HERCULANO, PABLO RUTILIO,
MAGGIE ANDRES CRECENCIO, GUILLERMO ALVAREZ,
JUANA CRUZ HERNANDEZ, LEONIDAS MATEO,
ANYELI OVALLES HERNANDEZ, MIRNA REYES
MARTINEZ, RAMON ROSARIO, OMAR TAVERAS,
LUIS ESPINAL, and JUAN SALMERON on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

M L RESTAURANT, CORP., M.L. SAN JOSE ENTERPRISES, CORP.,
d/b/a LIBERATO RESTAURANT, ANTONIO MANUEL LIBERATO,
FERNANDO LIBERATO, VICTOR LIBERATO, NELSON GOMEZ,
LUCY GOMEZ, SARAH VALLEJO, NANA (LNU), and ROMEO (LNU)
jointly and severally,

Defendants
-----X

State of New York)

) ss.:

County of New York)

GUILLERMO ALVAREZ, residing at 565 West 144th Street, New York, New York, being
duly sworn, deposes and says:

1. From on or about July 1, 2011 to on or about July 8, 2013 I was employed by
Liberato Restaurant as a host, bartender, and general laborer.
2. Liberato Restaurant is an establishment with locations at 1 West 183rd St. and 10
West Burnside Avenue, County of the Bronx, State of New York.
3. I was employed at the 183rd Street location and regularly worked ten (10) hours a
day, six (6) days per week, and was paid \$360 in in cash wages at the end of each week.

No.: 14 -cv- 4030

Hon. Valerie E. Caproni

**AFFIDAVIT OF GUILLERMO
ALVAREZ IN SUPPORT OF
PLAINTIFFS' REQUEST FOR
CONDITIONAL CLASS
CERTIFICATION**

4. I knew I was being paid less than minimum wage. When I once asked why the pay was so low, a manager told me that I could leave if I did not like it. I heard the manager Sarah make this statement to my coworkers also.

5. In addition to weekly wages, I received a set \$10 in tips from the tip pool, paid daily.

6. Throughout my time at Liberato, I worked without breaks, except for ten (10) minutes I was given to eat. I believe my coworkers were also forbidden from taking breaks and I often saw my coworkers quickly eating standing up, hidden from customers' view.

7. I never received overtime pay for hours worked in excess of forty (40) per week, nor did my coworkers.

8. I never received a statement of wages. I believe this is true of all my coworkers.

9. Sometime in 2012 the manager started to require us to go to the cashier's station to sign a book for receipt of our weekly wages, but I was never given any record of my pay. I have seen my coworkers who ended their shifts at the same time as me also being made to sign the book.

10. I have no reason to believe that my coworkers were treated differently than I was. WHEREFORE, it is respectfully urged that the request for conditional certification of a representative class be granted.

Sworn to before me this

26th day of September 2014.



Notary Public



GUILLERMO ALVAREZ

REBECCA T. ISHAK
Notary Public, State of New York
No. 01156286012
Qualified in Queens County
Commission Expires July 22, 2017